IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11765 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VALLABHBHAI BACHUBHAI VAGRI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

#. Challenge has been made by the petitioner to the order dated 2-9-2000 of the Police Commissioner, Rajkot city under which he was detained as a dangerous person.

#. One of the contentions has been raised that the

copies of statements of witnesses recorded under section 161 of Cr.P.C. in the criminal complaint, details of which have been given in para 13 of the petition have not been supplied to the petitioner by the detaining authority.

#. These factual averments made by the petitioner in the special civil application have remained uncontroverted. It is a clear case where the petitioner has been denied of his right of making effective representation against the detention order as conferred upon him under Article 22(5) of the Constitution of India.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 2-9-2000 is quashed and set aside. Rule is made absolute. No order as to costs.

The petition has already been released under the intrim order, the office needs not to send writ of this order to the respondents.

#. I have gone through the affidavit filed by J.R. Rajput, Under Secretary to Government of Gujarat, Home Department (Special), Sachivalaya, Gandhinagar and I accept his unconditional apology furnished, and nothing more is to be proceeded in the matter against him and the matter is ordered to be closed against him.

****

zgs/-